

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
OPRANGEBURG DIVISION

Curtis Jerome Lytle,	)	
	)	C/A No. 5:16-2277-TMC-KDW
Petitioner,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Warden FCI-Bennettsville,,	)	
	)	
Respondent.	)	
_____	)	

Petitioner Curtis Jerome Lytle, a federal prisoner proceeding pro se, filed this action pursuant to 28 U.S.C. § 2241. On October 10, 2017, Magistrate Judge Kaymani D. West issued a Report and Recommendation ("Report") recommending that the Respondent's Motion to Dismiss (ECF No. 53) be denied. (ECF No. 62).<sup>1</sup> No objections to the Report have been filed and the time for doing so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file

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<sup>1</sup>In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2), D.S.C., all pre-trial proceedings were referred to a magistrate judge.

specific written objections to the Report results in a party's waiver of the right to appeal the district court's judgment based upon that recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and the record in this case, the court adopts the Magistrate Judge's Report (ECF No. 62) and incorporates it herein. Therefore, Respondent's Motion to Dismiss (ECF No. 53) is **DENIED**.<sup>2</sup>

**IT IS SO ORDERED.**

s/ Timothy M. Cain  
United States District Judge

Anderson, South Carolina  
November 7, 2017

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<sup>2</sup>The court notes that the Magistrate Judge treated the motion as one for summary judgment because matters outside of the pleadings were considered. (Report at 16).